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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,815	10/17/2003	Miles R. Jackson	CS21772RL	2371
20280 7590 03/07/2007 MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			EXAMINER JOHNSON, CARLTON	
			ART UNIT	PAPER NUMBER
			2136	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/07/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/688,815

Applicant(s)

JACKSON, MILES R.

Examiner

Carlton V. Johnson

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10-17-2003
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responding to application papers filed on **10-17-2003**.
2. Claims **1 - 29** are pending. Claims **1, 17, 20, 23, 24, 26, 28** are independent.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **1 - 29** are rejected under 35 U.S.C. 102(e) as being anticipated by **Issacs et al. (US Patent No. 7,043,530)**.

**Regarding Claim 1**, Issacs discloses a communication device for communicating messages over a network comprising: at least one transceiver, configured to transmit and receive a message having a message identifier and a plurality of recipient identifiers wherein the order of said plurality of recipient identifiers corresponds to an order of custody of said message by recipients, and wherein recipients are unable to edit said plurality of recipient identifiers. (see Issacs col. 2, lines 13-16; col. 4, lines 41-44: communications device(s); col. 2, lines 56-59: message identifier, accompanying

message; col. 2, lines 50-55: multiple recipients; col. 13, lines 25-28: sequence number, denote order of messages, client (i.e. sender) controlled sequence number (i.e. recipient cannot change))

**Regarding Claim 2**, Issacs discloses the communication device of claim 1, further comprising a memory (see Issacs col. 5, lines 3-8: memory (i.e. RAM, ROM), configured to store a message log associating a transmitted message with said message identifier and with said plurality of recipient identifiers. (see Issacs col. 2, lines 17-29: device identified, message identified, user identified; col. 2, line 63 - col. 3, line 8: status indicator (i.e. message log))

**Regarding Claim 3**, Issacs discloses the communication device of claim 2, wherein: said transceiver is further configured to receive, from a recipient of said message, an update of said message log. (see Issacs col. 2, line 63 - col. 3, line 8: message acknowledgement (ACK), message received)

**Regarding Claim 4**, Issacs discloses the communication device of claim 1, wherein said transceiver is further configured to transmit and receive said message via a plurality of transport layer mechanisms. (see Issacs (see Issacs col. 4, line 60 - col. 5, line 2: transport layer communications protocols (i.e. TCP, UDP, CDPD) utilized)

**Regarding Claim 5**, Issacs discloses the communication device of claim 1, wherein

said transceiver is further configured to encapsulate said message in accordance with a protocol such that said message may be transmitted and received using said protocol. (see Issacs col. 4, line 60 - col. 5, line 2: communications protocols (i.e. TCP, UDP, CDPD), each transport layers places specific headers onto packetized data for communications (i.e. encapsulate))

**Regarding Claim 6**, Issacs discloses the communication device of claim 1, wherein said transceiver is further configured to transmit a report to a message originator after transmitting said message wherein said message was previously received from said message originator. (see Issacs col. 3, lines 1-4; col. 3, lines 9-16: indication of message receipt, pending status, status displayed to sender and recipient)

**Regarding Claim 7**, Issacs discloses the communication device of claim 1, wherein said transceiver is further configured to transmit a report to a message originator after transmitting said message wherein said message was previously received from a message recipient. (see Issacs col. 3, lines 1-4; col. 3, lines 9-16: indication of message receipt, pending status, status displayed to sender and recipient))

**Regarding Claim 8**, Issacs discloses the communication device of claim 1, wherein said transceiver is further configured to receive, from a server, said message identifier and add said message identifier into said message prior to transmission of said message. (see Issacs col. 7, lines 23-29: central server maintaining messages and

identifiers; col. 5, lines 12-14; col. 2, lines 50-55: relay server utilized, identifier placed within message(s))

**Regarding Claim 9**, Issacs discloses the communication device of claim 1, wherein said transceiver is further configured to transmit a report to a server after transmitting said message wherein said message was previously received from said message originator. (see Issacs col. 5, lines 12-14: server acting as relay between client devices; col. 2, line 63 - col. 3, lines 11: status report of message transfer, status to sender and recipient)

**Regarding Claim 10**, Issacs discloses the communication device of claim 1, wherein said transceiver is further configured to transmit a report to a server after transmitting said message wherein said message was previously received from a message recipient. (see Issacs col. 5, lines 12-14: server acting as relay between client devices; col. 2, line 63 - col. 3, lines 11: status report of message transfer)

**Regarding Claim 11**, Issacs discloses the communication device of claim 1, wherein said transceiver is further configured to receive, from a server, an audit identifier and add said audit identifier into a message attachment prior to transmission of said message. (see Issacs col. 5, lines 12-14: server acting as relay between client devices; col. 2, lines 1-5: sound file, associated (i.e. attached to) message)

**Regarding Claim 12**, Issacs discloses the communication device of claim 11, wherein said audit identifier uniquely corresponds to the combination of said message identifier, said order of said plurality of recipient identifiers, and a message originator identifier. (see Issacs col. 2, lines 56-59: message identifier; col. 13, lines 25-28: sequence number, order of recipients; col. 2, lines 50-55; col. 5, lines 46-49: identifier, identified users (i.e. message originator, user name))

**Regarding Claim 13**, Issacs discloses the communication device of claim 1, wherein said message comprises an encrypted message header that cannot be edited by recipients. (see Issacs col. 9, lines 9-17; col. 13, lines 25-28: encryption capability, message information (i.e. sequence number), client controlled sequence number assignment, recipient cannot change)

**Regarding Claim 14**, Issacs discloses the communication device of claim 13, wherein said encrypted message header further comprises: a message identifier field; a message originator field; and a recipient identifier field for containing said plurality of recipient identifiers. (see Issacs col. 2, lines 50-55; col. 2, lines 22-29: message (i.e. based on identifier) sent to multiple recipient (i.e. identified users); col. 5, lines 46-49: user name, identifier within message)

**Regarding Claim 15**, Issacs discloses the communications device of claim 14, wherein said encrypted message header further comprises a message expiration field. (see

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Issacs col. 12, lines 58-61: timeout (i.e. message expiration), no ACK received within predetermined time period, resend message)

**Regarding Claim 16**, Issacs discloses the communication device of claim 14, wherein said recipient identifier field further comprises a flag field for indicating a message originator preference setting. (see Issacs col. 10, lines 31-39; col. 10, lines 53-58: user (i.e. originator) preference (i.e. idle, active) on a device, recipients are made aware of originator status, message sent to all devices (i.e. idle, active) to insure delivery or only active device)

**Regarding Claim 17**, Issacs discloses a server comprising:

- a) a processor configured to assign and transmit a message identifier to a message originator communications device via a network; (see Issacs col. 5, lines 3-8: CPU, processor; col. 5, lines 12-14: communications relay server; col. 2, lines 1-5: messages transmitted between client devices) and
- b) a memory configured to store a plurality of said message identifiers wherein each of said message identifiers is associated with a message transmitted by said message originator communications device. (see Issacs col. 5, lines 3-8: memory (i.e. RAM, ROM); col. 2, lines 1-5: message(s) transmitted between client devices)



**Regarding Claim 18**, Issacs discloses the server of claim 17 wherein said processor is further configured to receive a message log update from a recipient communications device that had received said message. (see Issacs col. 2, line 63 - col. 3, line 8: status indicator (i.e. message log update), message receipt by recipient)

**Regarding Claim 19**, Issacs discloses the server of claim 18 wherein said processor is further configured to provide a message log report to a said message originator communications device. (see Issacs col. 2, line 63 - col. 3, line 8; col. 3, lines 11-16: status indication send to originator device, status displayed at sender (i.e. originator) and recipient)

**Regarding Claim 20**, Issacs discloses a server comprising:

- a) a processor configured to assign and transmit an audit identifier to a message originator communications device via a network; (see Issacs col. 5, lines 12-14: server system, controlling communications; col. 5, lines 3-8: CPU, processor; col. 2, lines 1-5; col. 2, lines 50-55: identifier transmitted between client devices) and
- b) a memory configured to store a plurality of said audit identifiers wherein each of said audit identifiers is associated with a message attachment transmitted by said message originator communications device. (see Issacs col. 5, lines 3-8: memory (i.e. RAM, ROM); col. 2, lines 1-5; col. 2, lines 1-5: attached sound file (i.e. associated with, attachment) transmitted between client devices)

**Regarding Claim 21**, Issacs discloses the server of claim 20 wherein said audit identifier uniquely corresponds to the combination of a message identifier, an order of recipient identifiers, and a message originator identifier. (see Issacs col. 13, lines 25-28: sequence number (i.e. order); col. 5, lines 46-49: user name (i.e. originator); col. 2, lines 50-55: message identifier, identified user(s) within message)

**Regarding Claim 22**, Issacs discloses the server of claim 21 wherein said audit identifier further comprises an identifier specific to said message attachment. (see Issacs col. 2, lines 1-5: identifier specific to sound file (i.e. content) and conversational message)

**Regarding Claim 23**, Issacs discloses a method of communicating messages over a network comprising:

- a) embedding into a message a message identifier, message originator identifier, and message recipient identifier; (see Issacs col. 2, lines 50-55: message identifier, identified user(s) (i.e. originator))
- b) attaching content if any to said message; (see Issacs col. 2, lines 1-5: sound file (i.e. content) associated with or attached to conversational message)
- c) preparing headers and suitable encapsulation of said message and said content in accordance with a communication protocol; (see Issacs col. 4, line 60 - col. 5, line 2: headers utilized based on transport communications protocol)

- d) updating a message log; (see Issacs col. 2, line 63 - col. 3, line 8: message status indication (i.e. message log) updated) and
- e) transmitting said message to a recipient using said communication protocol. (see Issacs col. 4, line 60 - col. 5, line 2: communications protocols for message transmission)

**Regarding Claim 24**, Issacs discloses a method of tracking information custody comprising: receiving a message; re-transmitting said message to at least one recipient; and transmitting a message log update to a message originator. (see Issacs col. 12, lines 58-61: resend message, timeout; col. 2, line 63 - col. 3, lines 16: status indicator (i.e. message log update), displayed at recipient)

**Regarding Claim 25**, Issacs discloses the method of claim 24, wherein said message log update comprises a message identifier and a recipient identifier for said recipient. (see Issacs col. 2, lines 56-59: message identifier; col. 5, lines 46-49: user (i.e. recipient) identifier (i.e. screen name, name))

**Regarding Claim 26**, Issacs discloses a method of tracking information custody comprising: receiving a message; re-transmitting said message to at least one recipient; and transmitting a message log update to a server. (see Issacs col. 12, lines 58-61: resend (i.e. re-transmit) capability for message; col. 5, lines 12-14; col. 2, line 63 - col. 3, lines 16: central server relay, status indicator (i.e. message log) information send to

central server)

**Regarding Claim 27**, Issacs discloses the method of claim 26, wherein said message log update comprises a message identifier and a recipient identifier for said recipient. (see Issacs col. 2, lines 50-55: message identifier, recipient identifier (i.e. identified user(s), to receive message))

**Regarding Claim 28**, Issacs discloses a method of constructing a message by a communications device comprising:

- a) generating a message identifier; (see Isaacs col. 7, lines 32-38: generation of identifier)
- b) adding said message identifier into a message header; (see Issacs col. 2, lines 50-55: identifier added to message)
- b) adding a message originator identifier to said message header; (see Issacs col. 5, lines 50-55: message originator (i.e. user name, identified users))
- c) adding at least one recipient identifier to said message header; (see Issacs col. 5, lines 50-55: recipient of message (i.e. identified users)) and
- d) encrypting said message header. (see Isaacs col. 9, lines 9-17: encryption capability for messages)

**Regarding Claim 29**, Issacs discloses the method of claim 28, further comprising: receiving from a server an audit identifier; embedding said audit identifier into a

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message attachment; and encrypting said message attachment. (see Issacs col. 2, lines 1-5; col. 7, lines 32-38: sound file (i.e. message attachment), message identifier; col. 9, lines 9-17: encryption capability for messages)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlton V. Johnson whose telephone number is 571-270-1032. The examiner can normally be reached on Monday thru Friday , 8:00 - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SUPERVISORY PATENT EXAMINER  
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Carlton V. Johnson  
Examiner  
Art Unit 2136

*C.V.J.*

CVJ  
March 2, 2007

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